



ఆంధ్రప్రదేశ్ రాజపత్రము

THE ANDHRA PRADESH GAZETTE PUBLISHED BY AUTHORITY

No.17

AMARAVATI, SATURDAY , APRIL 29, 2017

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PART II - MISCELLANEOUS NOTIFICATIONS OF INTEREST TO THE PUBLIC

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NOTIFICATIONS BY HEADS OF DEPARTMENTS Etc.,

DIRECTOR GENERAL A.P. SPECIAL PROTECTION FORCE, GUNTUR

Rc.No. APSPF/A3/PR/03/2017, dt: 26-04-2017.

SHOW CAUSE NOTICE

Sub :- APSPF - Oral Enquiry against Sri D. Raja Babu, HC-672, APSPF, Srisailam - Forwarding of Minutes Copy - Explanation called for - Regarding.

Ref:- 1) Rc.No. APSPF/A3/PR/03/2017, O.o.No.A-181/2017, dated : 17-04-2017 of DIG, APSPF.

2) Memorandum of Charge Vide Rc.No. APSPF/A3/PR/03/2017, dated : 14-03-2017 of DIG, SPF.

3) OE report Rc.No. 13/AC/SPF/SDSTPS/ OE-672/2017, dated : 25-04-2017 of Sri B.Y.M. Reddy Naik, Asst. Commandant, APSPF, SDSTPS, Nellore.

In the reference 1st cited, Oral enquiry was ordered against you in connection with the Memorandum of Charge framed Vide reference 2nd cited. Now, the Enquiry Officer Sri B.Y.M. Reddy Naik, Assistant Commandant, APSPF, SDSTPS, Nellore has submitted oral Enquiry report levelled against you as '**proved**' the Charges i.e.

Article - I, II, III and IV beyond any reasonable doubt. The same is enclosed herewith.

Your explanation should reach this office with **ten (10) days** from the date of receipt of this memo, failing which the OE will be disposed off basing on the merits.

(Sd.),

*Deputy Inspector General,
APSPF: Guntur.*

To,

Sri D. Raja Babu, HC-672, APSPF, Srisailam, through The Asst. Commandant, APSPF, Srisailam.

In the Departmental Oral Enquiry Held Against Sri D. Raja Babu, HC-672 of APSPF, APGENCO, Srisailam.

*Submitted by
Inquiry Officer
Sri B.Y.M. Reddy Naick,
Asst. Commandant, SPF,
SDSTPS, Nellore
Vide RC.No.13/AC/SPF/SDS
TPS/OE-672/2017,
Dated : 25-04-2017*

- Under sub-rule (02) of Rule (20) of AP, Civil Services (CC&A) Rules, 1991, 1 was

appointed as Inquiring Authority by the Dy.Inspector General, Headquarters, APSPF, Guntur to enquire into the charges framed against Sri D.Raja Babu, -HC-672 of APSPF, APGENCO, Srisailam vide Proceedings. Rc.No.APSPF/A3/PR/03/2017, O.o.No. 181/2017, dated: 17.04.2017. I have since completed my inquiry and on the basis of the documents and oral evidences adduced before me, I prepared my enquiry report as under:-

- 2) No presenting officer has been appointed.
- 3) The Charged Officer Sri D.Raja Babu, HC-672 of APSPF, APGENCO, Srisailam has attended the OE on 21&22.04.2017.
- 4) The following articles of charge have been framed against Sri D.Raja Babu, HC-672 of APSPF, APGENCO, Srisailam.

ANNEXURE-I

Statement of Article of Charge framed against Sri D. Raja Babu, HC-672, of AP SPF Unit, APGENCO, Srisailam.

ARTICLE-I

That the said Sri D.Raja Babu, HC-672 of APSPF Unit, AP Genco, Srisailam has addressed a letter dated : 16.02.2017 to the Commandant, Rayalaseema Zone, Tirupati through AC, SPF, Srisailam with D.No.69/2017 in which he has leveled a baseless allegation against Sri B. V.Rami Reddy, Commandant, SPF that as per Commissioner and Registrar of Co-operative Societies, AP, Hyderabad in Rc.No. 11979-2010-PC4/ECCS, Dated: 17.11.2012 he (Comdt.) committed theft of Rs.24,48,666-00 from SPF ECCS, Ltd. and because of which he could not arrange proper studies to his children and could not arrange medicines to his old aged parents. In fact the above referred letter categorically states that the DLCO, Golconda Division has passed surcharged order for an amount of Rs. 4,78,302/- against Sri T. Seetaramulu, Ex-Treasurer of APSPF ECCS Ltd., Hyderabad u/s 79(a) and 83 of APSCS Act,

1964. But whereas the said HC made allegation against the Commandant Hqrs, Tirupati without submitting any proof.

ARTICLE-II

That the said Sri D.Raja Babu, HC-672 has further made an allegation against the Commandant that he has suspended a person at Alipiri Check Post for taking Rs.30/- but the Commandant has committed theft of Rs.24,48,666-00 pertaining to SPF personnel. But there is no suspension order against the Commandant. In support of this allegation, he failed to submit any proof.

ARTICLE-III

That the said Sri D.Raja Babu, HC-672 of APSPF Unit, AP Genco, Srisailam has made an allegation against that Sri Sankara Rao, AC, RI Srinivasa Reddy, ASI Srinivasulu and Sri Rami Reddy intentionally issued P.R to him on 25.10.2016. In fact the said HC was imposed with a penalty of "Withholding of Increment for a period one year" without effect on future increments for misbehaving with the ASI Srinivasulu in P.T on 25.10.2016 that to, after conducting a preliminary enquiry. Therefore, this allegation is completely baseless and it is made in order to blame the Senior Officers.

ARTICLE-IV

That the said Sri D.Raja Babu, HC-672 of APSPF Unit, AP Genco, Srisailam has made another allegation that SPF senior Officers could not do anything against Sri B.V. Rami Reddy who committed misappropriation of Rs.24,28,666-00 and there no limit to his corrupt activities. In support of this allegation, he failed to submit any proof.

By the above acts, he has exhibited gross misconduct towards his legitimate duties, which is un-becoming of a Government servant thereby violating Rule-3 of APSCS (conduct) Rules-1964.

ANNEXURE - II**List of Documents :**

1)	Letter addressed to the Commandant dated : 16.02.2017 submitted by HC-672, D.Raja Babu forwarded by AC, SPF, Srisailam with D.No.69/2017, Dt: 22.02.2017.
2)	Report of Commandant, SPF Hqrs, Tirupati vide Rc.No. 01/Camp/Comdt/Tpt Hqrs/2017 13.03.2017.
3)	Proceedings in Rc.No. 13/AC/SPF/TPT/MPR/HC-672/2016 dated : 19.12.2016 issued by AC, SPF, Tirupati.
4)	Press Statements of Sri T.Seetaramulu in Telugu, dated:07.03.2006
5)	FIR No. 135/2006, dated : 30.06.2006 of Nampally PS, Hyderabad.
6)	DLCO Golconda Division, Hyderabad, Surcharge Proceedings in Rc.No.685/2006, Dated: 15.10.2007 against Sri T.Seetaramulu.
7)	The Commissioner of Co. Op. Societies, Hyderabad Lr. Rc.No. 20777/07/ECCS, dated:28.12.2007 addressed to the Home Secretary, Govt. of AP.
8)	Prosecution sanction Order Rc.No.20777/07/ECCS, dated: 28.12.2007 against Sri T.Seetaramulu.
9)	DLCO Golconda Division Letter Rc.No.685/06-B, dated : 22.02.2008 addressed to the Inspector of Police, Nampally PS against Sri T.Seetaramulu.
10)	The High Court direction in W.P.No. 14694/2008, Dated: 21.09.2010.
11)	The order of Lokayukta dated: 30.10.2012 in complaint No.983/2011/BI.
12)	The Charge Sheet filed by PS, Nampally.
13)	DLCO Golconda Division of Societies Letter Rc.No.685/2006-B, dated: 25.09.2012.
14)	The Commissioner of Societies Letter Rc.No. 119979-2010-PC4/ECCS, dated: 17.11.2012 addresse'd to the DG, SPF, AP.
15)	The Co op Tribunal Order in IA No.189/2013 CTA SRNo.518/2012, Dated: 25.02.2014.

ANNEXURE-III

List of Witnesses:

1. *Sri B.V. Rami Reddy, Commandant, SPF Hqrs, Tirupati.*
2. *Sri G. Muni Raja, AC, SPF, Srisailam.*
3. *Sri P.Srinivasulu Reddy, Inspector, SPF, Tirupati.*
4. *Sri A.Srinivasulu, ASI-847, SPF, Tirupati.*

5) CASE OF THE DISCIPLINARY AUTHORITY:

The HC-672 Sri D.Raja Babu, who was supposed to attend for staff parade to conduct fall-in and give report to the duty officer on 25.10.2016 has attended to the parade by 5 minutes late i.e., at 05.35 hrs. Further, even though the duty officer Sri A.Srinivasulu asked him to give report on the presence of SPF personnel TTD, Tirupati several times he did not give the report in time. When the time elapsed to give report to the SI, the duty officer asked once again to the HC-672 to give report immediately. For which the HC-672 Sri D.Raja Babu replied aggressively stating that “I know what I have to do. Don’t talk excess. You are doing too much, be careful”. For which the AC, SPF, Tirupati has conducted PE and taken the statements from the concerned personnel. Further the AC, SPF, Tirupati has summoned the HC-672 to come to his office and asked him to say apology to the ASI-847 Sri A.Srinivasulu as the HC-672 Sri D.Raja Babu has misbehaved with ASI-847 and insulted him in the presence of SPF personnel, who attended the staff parade on 25.10.2016. But he denied to say apology. Since the HC-672 has committed grave misconduct, the AC, SPF, Tirupati has dealt the HC-672 on Minor PR and awarded with a penalty of “Withholding of increment of pay for a period of one year without effect on his future increments and pension” vide C.No. 13/AC/SPF/TPT/MPR/HC-672/2016, Dated: 19.12.2016 (PR.No.48/2016) (**Marked as Ex-P.E-I.**)

Further, the HC-672 Sri D.Raja Babu has submitted a representation on 07.01.2017 seeking interview with the DG, SPF. On that, vide Memo Rc.No.ll/Al/Comdt.Hqrs/ APSPF/ TPT/Genl./2017, Dated: 21.04.2017 the HC-672

was asked to indicate the reasons to meet the DG, SPF. For which, the charged officer Sri D.Raja Babu, HC-672 has submitted a representation dated: 16.02.2017 forwarded by AC, SPF, Srisailam with D.No.69/2017, Dated: 22.02.2017 (**Marked as Ex-P.E-II**), wherein he made false and baseless allegations against Sri B.V.Rami Reddy, Commandant Hqrs, APSPF, Tirupati. In his representation the HC-672 Sri D.Raja Babu has made the following allegations i.e., Sri B.V.Rami Reddy has intentionally obstructed him from meeting the DG, SPF, fearing that his corruption will be known by the DG, An amount of Rs.24,48,666/- was misappropriated in the SPF Co-operative Credit Society as informed by the Registrar of Co-operative Societies, dated: 17.11.2012. At that time Sri B.V.Rami Reddy was president of the Society and he committed theft of the above amount from the society intentionally and he is leading a lavish life by purchasing a house at Kumool and a Flat at Hyderabad besides arranging education to his son in Delhi. The HC has requested the DG, SPF to do justice to him as he was socially, economically and financially defeated by the Commandant. The HC-672 D.Raja Babu has also stated that as to why SC atrocity case should not be filed against Sri B.V.Rami Reddy. Further all the acts are favourable to the Commandant and that is why nobody is questioning him as he is holding a senior position. On 25.10.2016 AC, SPF, Tirupati i.e., Sri M.Sankara Rao made PR against him intentionally in connivance with the Commandant, Inspector Sri P.Srinivasulu Reddy and ASI A.Srinivasulu and the AC Sri M.Sankara Rao is not attending PT/Parade regularly. Sri B.V.Rami Reddy, Commandant is making conspiracy against him as he asked certain papers pertaining to Co-operative Society under RTI Act. Further the HC-672 has also stated that there is no job security for him because of the Commandant Sri B.V.Rami Reddy and there is a threat on his life and the Commandant is terrorizing the subordinates and as such even God also cannot do anything.

Further, the Commandant Hqrs, APSPF, Tirupati has sent a report against the charged officer Sri D.Raja Babu, HC-672 vide Rc.No.01/Camp/ Comdt/TPT HQrs/2017, Dated: 13.03.2017 (**Marked as Ex-PE-III**) duly enclosing the relevant documents with regard to the misappropriation of

SPF ECCS funds. Further, as per the records available in the PR file, Sri T.Seetharamulu, Ex-Treasurer, the then HC gave a press statement dated: 07.03.2006 (**Marked as Ex-PE-IV**), narrating how he committed fraud and assured to remit the same to the society. On 29.06.2006 the newly elected treasurer has registered a case against 4 governing members i.e., President Sri B.V.Rami Reddy, Vice President Sri Ch.Tirumalaiah, Secretary Sri K.R.Reddy and the Treasurer Sri T.Seetharamulu, HC and the same was registered under Crime No. 135/2006, dated: 30.06.2006 in Nampalli PS, Hyderabad (**Marked as Ex-PE-V**). The Divisional Co-operative Officer, Golconda Division, Hyderabad, who is the statutory authority, has issued a surcharge proceedings against Sri T.Seetharamulu, Ex-Treasurer for an amount of Rs. 4,93,752/- vide Rc.No.685/2008, Dated: 15.10.2007 against Sri T.Seetaramulu (**Marked as Ex-PE-VI**), The Commissioner of co-operative societies, Hyderabad has informed the Home Secretary of Government of AP that Sri T.Seetharamulu, Ex-Treasurer alone is responsible for misappropriation and prosecution orders are being sanctioned against Sri T.Seetharamulu, Ex-Treasurer vide Lr.Rc.No. 20777/07/ECCS, dated : 28-12-2007 (**Marked as Ex-PE-VII**). Accordingly, the Commissioner and Registrar of Societies has sanctioned prosecution against the former Treasurer Sri T.Seetharamulu, HC vide Rc.No. 20777/07/ECCS dated: 28.12.2007 (**Marked as Ex-PE-VIII**). Further, basing on the prosecution sanctioned by RCS, Hyderabad, the Divisional Co-operative Officer, Golconda has filed a complaint with the Inspector of Police, Nampally Police Station against Sri T.Seetharamulu, HC vide Rc.No. 685/06-B, dated: 22.02.2008 (**Marked as Ex-PE-IX**). Further, the Hon'ble High Court in WP No. 14694/2008 (**Marked as Ex-PE-X**) has issued directions on 21.09.2010 to the PS Nampally to take appropriate action within a period of 3 months. The Hon'ble Lokayukta while disposing a pseudonymous petition on 30.10.2012 in complaint No. 983/2011/BI (**Marked as Ex-PE-XI**) filed against Sri D.Boobati Babu, IPS former DG, SPF and Sri B.V.Rami Reddy, Commandant, SPF ordered to close the same against the above officers and directed to continue investigation against Sri T.Seetharamulu, Former Treasurer of the Society.

The PS-Nampally filed Charge Sheet (**Marked as Ex-PE-XII**) dropping the name of Sri B.V.Rami Reddy, Ex-President, Sri Ch.Tirumalaiah, Ex-Vice President & Sri K.R.Reddy, Ex-Treasurer. Further, the Police filed charge sheet against Sri T.Seetharamulu, Ex-Treasurer only and the DLCO, Golconda Division vide Rc.No. 685/2006-B, dated: 25.09.2012 (**Marked as Ex-PE-XIII**) issued a fresh surcharge proceedings consequent upon the directions of the AP Co-operative Tribunal, Hyderabad ordering that Sri T.Seetharamulu, Ex-Treasurer should pay an amount of Rs. 4,78,302-00 to the society. The Commissioner of the Societies vide letter Rc.No. 11979-2010.PC4/ECCS/dated: 17.11.2012 (**Marked as Ex-PE-XIV**) informed the DG, SPF that surcharge proceedings and prosecution have been issued against Sri T.Seetharamulu alone. The Co-operative Tribunal, Hyderabad in OA No. 189/2013 CTASR No. 518 of 2013, Dated: 25.02.2014 (**Marked as Ex-PE-XV**) has dismissed the petition filed by the Secretary of SPFECCS against the former Executive Body members.

Further, vide proceedings Rc.No.APSPF/A3/PR/03/2017, O.o.No.A-181/2017 Dt: 17.04.2017, the Dy.Inspector General, APSPF Hqrs, Guntur has appointed me as Inquiring Authority to enquire in to the charges framed against the HC-672 Sri D.Raja Babu. Accordingly, I have conducted oral enquiry on 21st & 22nd April, 2017 and examined the following P.W's.

STATEMENT OF SRI B.V.RAMI REDDY, COMMANDANT HORS.,APSPE,TIRUPATI

I B.V.Rami Reddy, Commandant Hqrs, APSPF, Tirupati solemnly affirm and depose my statement as follows:-

Sri D.Raja Babu, HC-672 on permanent allocation to AP SPF from Telangana SPF was initially posted to SPF Unit, TTD, Tirupati on 02.09.2016. After a few days, he misbehaved with duty officer Sri A.Srinivasulu, ASI and therefore he was dealt with a minor PR and awarded with a penalty of "withholding of increment for a period of one year" without effect on future increments and pension" by the AC, SPF, Tirupati. In the month of December 2016 he was transferred to APSPF unit,

AP Genco, Srisailam on administrative grounds. Further he has submitted a representation seeking interview with the DG, SPF on 07.01.2017 without writing any reasons. Therefore, he was asked to indicate the reasons to meet the DG, SPF, vide Rc.No. 11/Al/Comdt. HQrs/APSPF/TPT/General/ 2017, dated: 24.01.2017. Further, he has submitted a 5 pages representation making all baseless allegations against me which are as follows:-

- a) That the Commandant intentionally obstructed the above HC from meeting the DG, SPF, fearing that my corruption will be knowing by the DG.
- b) That an amount of Rs.24,48,666/- was misappropriated in the SPF Co-operative Credit Society as informed by the Registrar of Co-operative Societies, dated: 17.11.2012. At that time I was president of the Society and I committed theft of the above amount from the Society intentionally.
- c) That I am leading a lavish life by purchasing an House at Kurnool and a Flat at Hyderabad besides arranging education to my son in Delhi.
- d) That to request the DG, SPF to do justice to him as he was socially, economically and financially defeated by me.
- e) That as to why SC atrocity case should not be filed against me.
- f) That all acts are favourable to me and that is why nobody is questioning me as I am holding a senior position.
- g) That on 25.10.2016 AC, SPF, Tirupati i.e., Sri M.Sankara Rao made PR against him intentionally in connivance with me, Inspector Sri P.Srinivasulu Reddy and ASI A.Srinivasulu.
- h) That AC Sri M.Sankara Rao is not attending PT/Parade regularly.
- i) That I am making conspiracy against him as he asked certain papers pertaining to Co-operative Society under RTI Act.
- j) That there is no job security for him because of me.
- k) That there is a threat on his life because of me.
- l) That the Commandant is terrorizing the subordinates and as such even God also cannot do anything.

Further I depose that, ever since he was punished by AC, SPF, Tirupati and following his transfer, he is making all malicious propaganda in order to tarnish the image of all senior officers particularly by targeting me with all baseless allegations.

In fact the misappropriation case in co-operative society came to light in the year 2006 and brief facts of the case are that, in the first week of March-2006 it has come to light that some misappropriation took place in SPF Co-operative Credit Society Ltd. On this Sri T.Seetharamulu, Ex-Treasurer, the then HC gave a press statement dated: 07.03.2006 narrating how he committed fraud and assured to remit the same to the society. Again on 09.03.2006 the said Ex-Treasurer addressed a letter to Mr. Jhonson, Assistant Registrar owning responsibility for misappropriation. On 09.03.2006 the former Treasurer Sri T.Seetharamulu deposited an amount of Rs. 13 Lakhs into the Axis Bank Society's Account as mentioned in the surcharge proceedings dated: 15.10.2007. On 29.06.2006 the newly elected Treasurer has registered a case against 4 governing members i.e. President Sri B.V.Rami Reddy, Vice President Sri Ch.Tirumalaiah, Secretary Sri K.R.Reddy and the Treasurer Sri T.Seetharamulu, HC and the same was registered under Crime No. 135/2006, dated: 30.06.2006. The Divisional Co-operative Officer, Golconda Division, Hyderabad, who is the statutory authority, has issued a surcharge proceedings in Rc.No. 685/ 2006-B, dated: 15.10.2007 against Sri T.Seetharamulu, Ex-Treasurer for an amount of Rs. 4,93,752/. The Commissioner of co-operative societies, Hyderabad vide Rc.No. 20777/07/ECCS, dated: 28.12.2007 informed the Home Secretary of Government of AP that Sri T.Seetharamulu, Ex-Treasurer is responsible for misappropriation and prosecution orders are being sanctioned against Sri T.Seetharamulu, Ex-Treasurer. Accordingly, the Commissioner of Societies has sanctioned prosecution against the former Treasurer Sri T.Seetharamulu, HC vide Rc.No. 20777/07/ECCS, dated: 28.12.2007.

Further, basing on the prosecution sanctioned by RCS, Hyderabad, the Divisional

Co-operative Officer, Golconda has filed a complaint in Rc.No. 685/06-B, dated: 22.02.2008 with Inspector of Police, Nampally Police Station against Sri T.Seetharamulu, HC. The Hon'ble High Court in WP No. 14694/2008 issued directions on 21.09.2010 to the police Nampally to take appropriate action within a period of 3 months. The Hon'ble Lokayukta while disposing a pseudonymous petition on 30.10.2012 in complaint No. 983/2011/B1 filed against Sri D.Boobati Babu, IPS former DG, SPF and Sri B.V.Rami Reddy, Commandant, SPF ordered to close the same against the above officers and directed to continue investigation against Sri T.Seetharamulu, Former Treasurer of the Society. The PS-Nampally filed Charge Sheet dropping my name i.e., Sri B.V. Rami Reddy, Ex-President, Sri Ch.Tirumalaiah, Ex-Vice President & Sri K.R.Reddy, Ex-Treasurer. Further, the Police filed charge sheet against Sri T.Seetharamulu, Ex-Treasurer only. The DLCO, Golconda Division vide Rc.No. 685/2006-B, dated: 25.09.2012 issued fresh surcharge proceedings consequent upon the directions of the AP Co-operative Tribunal, Hyderabad ordering that Sri T.Seetharamulu, Ex-Treasurer should pay an amount of Rs.4,78,302-00 to the society. The Commissioner of the Societies vide letter Rc.No. 11979- 2010.PC4/ECCS/dated: 17.11.2012 informed the DG, SPF that surcharge proceedings and prosecution have been issued against Sri T.Seetharamulu alone.

The Co-operative Tribunal, Hyderabad in OA No. 189/2013 CTA SR No. 518 of 2013 Dated: 25.02.2014 dismissed the petition filed by the Secretary of SPF ECCS against the former Executive Body members.

Further, all the statutory authorities including Lokayukta and AP Co. operative Tribunal have categorically confirmed and ordered to initiate action against Sri T.Seetharamulu, Ex-Treasurer alone after conducting statutory enquires under the APCS Act 1964. Hence all the allegations attributed against me by the HC-672 Sri D.Raja Babu are completely baseless. The reasons are not known to me as to why the C.O made all false allegations against me even after lapse of many years from the date of issuing of surcharge

proceedings by the competent authority under the APSCS Act 1964.

The above statement is typed to my dictation and read over to the Deponent/PW in the presence of Charged Officer in Telugu, which he admitted to be correct and signed.

CROSS EXAMINATION BY THE CHARGED OFFICER

The charged officer has declined to cross examine the PW.

STATEMENT OF SRLG.MUNIRAJA, ASSISTANT COMMANDANT, APSPE, SRISAILAM

I G.Muni Raja am working as Assistant Commandant, APSPF, Srisailam w.e.f. 24.11.2016.1 solemnly affirm and depose my statement as follows: -

Sri D.Raja Babu, HC-672 has submitted a representation seeking interview with the Director General, APSPF on 07.01.2017. The same was forwarded to the Commandant, Hqrs, APSPF, Tirupati for onward submission to DG, SPF. In this connection the Commandant, Hqrs, APSPF, Tirupati has issued a memo and asked to indicate the reasons to meet the DG, SPF, vide Rc.No.11/A1/Comdt.Hqrs/APSPF/TPT/General/ 2017 Dt: 24.01.2017. Further, on 22.02.2017 Sri D.Raja Babu, HC-672, APSPF, AP Genco, Srisailam has submitted a 5 pages representation along with some documents making some allegations against the SPF officers and the same was submitted to the Commandant, Hqrs, APSPF, Tirupati on the same day i.e. on 22.02.2017. Further, a Memorandum of Charge along with 15 Nos. of documents in r/o Sri D.Raja Babu, HC- 672 was received to this office vide Rc.No. APSPF/A3/PR/03/2017, dated: 14.03.2017 from DIG, SPF, Guntur and the same was served on him and obtained dated acknowledgment on 23.03.2017. The acknowledgement copy of Memorandum of Charge was sent to the DIG, APSPF, Guntur vide this office C.No. 27/AC/APSPF/SSLMD/Ack./D.No. 122/ 2017, dated: 23.03.2017. Subsequently, the HC-672 Sri D.Raja Babu has submitted representation to this office on 25.03.2017 and the same was

forwarded to the DIG, APSPF, Guntur through the Commandant, APSPF, HQrs, Tirupati. Further a memorandum was received to this office vide Rc.No. APSPF/A3/PR/03/2017, dated: 27.03.2017 and the same was served on him and obtained dated acknowledgment on 30.03.2017. The acknowledgement copy of Memorandum was sent to the DIG, APSPF, Guntur, vide this office C.No. 27/AC/APSPF/SSLMD/Ack./D.No. 135/2017, dated: 30.03.2017. Further, the HC-672, Sri D.Raja Babu has submitted a representation to the DG, SPF on 31.03.2017 and the same was forwarded to the DG, APSPF through Commandant, APSPF, Tirupati on the same day i.e. on 31.03.2017.

The above statement is typed to my dictation and read over to the Deponent/PW in the presence of Charged Officer in Telugu, which he admitted to be correct and signed.

CROSS EXAMINATION BY THE CHARGED OFFICER

The charged officer has declined to cross examine the PW.

STATEMENT OF SRI P. SRINIVASULU REDDY, INSPECTOR, APSPE, TTD, TIRUMALA

I, P.Srinivasulu Reddy, Inspector am working at AP SPF unit, TTD Tirumala w.e.f. 30.06.2012. On 25.10.2016, when I was discharging my duties as Inspector (Admn) SPF office Tirupati I attended to staff parade at about 05.30 Hrs. The ASI-847 Sri A.Srinivasulu was the duty officer on that particular day. Further, all the officers and men of SPF TTD Tirumala and Tirupati, who were on off duty have attended to the fall-in for PT/Parade on 25.10.2016 at 05.30 Hrs., except the HC-672, Sri D.Raja Babu, who attended for PT/Parade by (5) minutes late. The duty Officer Sri A.Srinivasulu, ASI-847 has asked the HC-672, Sri D.Raja Babu to give report on the presence of SPF personnel TTD Tirupati immediately as the report on the presence of SPF personnel, TTD Tirumala was already given by the senior HC TTD, Tirumala. For that, the HC- 672, D.Raja Babu aggressively replied and insulted the duty officer Sri A.Srinivasulu, ASI-847 in the presence of SPF Staff

stating that, "I know, don't talk excessively, be careful, you are talking too much". After taking reports on the presence of SPF personnel, the duty officer has given report to SI, Sri K.S.M.Basha, who in turn given report to me. On the misbehavior of HC-672 Sri D.Raja Babu I complained to the Assistant Commandant, SPF, Tirupati.

The above statement is typed to my dictation and read over to the Deponent / PW and translated in to Telugu language, which he admitted to be correct and signed.

CROSS EXAMINATION BY THE CHARGED OFFICER

Q : 1) You have given statement that I did not attend to the fall-in in time i.e. at 05.30 Hrs on 25.10.2016 and I attended to the PT/parade fall-in by 5 minutes late. If I attended for fall-in by 5 minutes late, who has conducted fall-in to the Tirupati unit personnel in my absence?

Ans: No one has conducted fall-in till you attended to the PT/Parade. After attending to the fall-in by 5 minutes late, you have conducted fall-in to the Tirupati Unit personnel.

Q : 2) You have stated that when the duty officer Sri A.Srinivasulu, ASI asked me to give report, I aggressively replied to the ASI. What I have replied aggressively to the ASI?

Ans : When the duty officer Sri A.Srinivasulu, ASI asked to give report on the presence of SPF unit Tirupati, you have replied aggressively that "I know, don't talk excessively, be careful, you are talking too much".

Q : 3) How you given report to the unit officer/AC, SPF, Tirupati on the presence of SPF personnel Tirupati whether over phone or orally in person?

Ans : I have given report to the AC, SPF, Tirupati over phone.

STATEMENT OF SRI A. SRINIVASULU, ASI-847, APSPE, TTD, TIRUMALA

I, A.Srinivasulu, ASI-847 am working at AP SPF, TTD Tirumala from 26-06-2013 depose my

statement as follows:-

On 25.10.2016 being Duty Officer, I blown the Whistle to get the SPF personnel fall-in for PT/ Parade on 25.10.2016 at 05.30 Hrs. Accordingly, the personnel of both the SPF units TTD Tirumala & Tirupati, who supposed to attend for the PT/ Parade have attended to the fall-in except the HC-672 Sri. D.Raja babu, who attended for PT/Parade fall-in by 5 minutes late. The senior Head Constable from SPF unit Tirumala has given report about the present strength of Tirumala unit timely. When I asked the HC-672 Sri.D.Raja Babu to give the report immediately, he replied aggressively stating that “Ekkuvuga matladaddu, Jagrathaga undu, extralu matladutunnav”. He insulted me in front of all the SPF personnel, who have attended to the PT/ Parade. I informed the same to the Assistant Commandant, SPF, Tirupati and submitted a report on the misbehavior of HC-672, Sri D.Raja Babu.

The above statement is typed to my dictation and read over to the Deponent / PW and translated in to Telugu language, which he admitted to be correct and signed.

CROSS EXAMINATION BY THE CHARGED OFFICER

Q : 1) Are You the duty officer on that particular day i.e., on 25.10.2016 morning?

Ans: Yes, I was the duty officer for 12 Hrs from 24.10.2016 at 20.00 Hrs to 08.00 Hrs of 25.10.2016.

Q : 2) From which time you are performing duties as duty officer at Tirupati?

Ans. I am performing duties as duty officer on rotation basis as detailed by the Inspector (Admn) SPF Tirupati.

Q : 3) When you have conducted fall-in the men for PT/parade on 25.10.2016?

Ans. I blown the whistle on 25.10.2016 at 05.30 Hrs for fall-in the men.

Q : 4) You stated that I attended for fall-in by 5 minutes late on 25.10.2016. If I attended by 5 minutes late, who has conducted fall-in in my absence? Have you detailed any other senior Head Constable to conduct fall-in?

Ans. No one was detailed to conduct fall-in. I came to fall-in at 05.40 Hrs on 25.10.2016 to take

report. The senior HC of Tirumala unit has given report in time. But you have not given report in time. When I asked you to give report immediately, you aggressively replied that “Ekkuvuga matladaddu, Jagrathaga undu, extralu matladutunnav”.

Q : 5) How You have stated that I attended for fall-in by 5 minutes late on 25.10.2016 at 05.35 Hrs., if you came to fall-in at 05.40 Hrs?

Ans: You have given report by 5-minutes late i.e., after the report given by the senior HC SPF unit Tirumala. However, I was observing from 20 feets of distance, you attended for fall-in by 5 minutes late. That is why I stated that you were attended for fall-in by 5 minutes late.

Q : 6) what you have given report to the SI Sri K.S.M.Basha?

Ans: When the SI Sri K.S.M.Basha asked me why you have delayed in giving report, I informed him that Sri D.Raja Babu, HC-672 has delayed in giving report.

Further, even though Sri M.Sankara Rao, Asst.Commandant, SPF, Tirupati was not mentioned in the Annexure-III of AOC as list of witness, in order to ascertain the facts with regard to the Article-II, I examined Sri M.Sankara Rao, AC, SPF, Tirupati and recorded his statement.

STATEMENT OF SRI M.SANKARA RAO, ASSISTANT COMMANDANT, APSPF, TIRUPATI

On 25.10.2016, the Duty Officer Sri A.Srinivasulu, ASI-847 SPF TTD Tirumala has submitted a report against the HC-672 Sri. D.Raja Babu stating that, the HC-672, Sri. D.Raja Babu has misbehaved and insulted him in front of the SPF personnel, who attended to the staff parade on 25.10.2016, when he hasten the HC-672 to give report on the presence of SPF staff attended for staff parade. The same was brought in to the notice of the Commandant, Hqrs APSPF Tirupati and as per instructions of Commandant, Hqrs, APSPF, Tirupati, I have conducted P.E. and taken the statements from the concerned personnel and submitted P.E. report vide Rc.No. 13/AC/SPF/TPT/ HC-672/PE/D.No. 996/2016, dated : 2-11-2016.

Further, during the P.E it is revealed that he HC-672 Sri. D.Raja Babu of SPF unit Tirupati attended to PT/Parade on 25.10.2016 at about 05.35 Hrs. Being a senior Head Constable from Tirupati unit he has to conduct fall-in, count the personnel attended to the PT/Parade, identify the absentees and give the report to the duty officer in time. When the senior Head Constable from SPF unit Tirumala conducted fall-in and given the report, the duty officer Sri. A.Srinivasulu, ASI-847 asked the HC-672 Sri. D.Raja Babu to give report. But he was engaged in counting the persons and tallying the strength with the parade statement. When the HC-672 was delaying in giving report, the duty Officer Sri. A.Srinivasulu, ASI-847 hasten him to give report immediately and also told the HC-672 Sri D.Raja Babu that "If the parade statement is not visible properly to your eyes, the same may be given to another Head Constable to give the report". Then the HC-672 Sri. D.Raja Babu has replied aggressively stating that "I know what I have to do. Don't talk excess. You are doing too much, be careful". Meanwhile the SI Sri. K.S.M.Basha interfered and pacified them.

Further, the HC-672 Sri. D.Raja Babu has submitted a report stating that the ASI-847 Sri. A.Srinivasulu has disparaged him in front the staff on 25.10.2016 during PT fall-in. The ASI- 847 showing discrimination and misusing his official position. The HC-672 Sri. D.Raja Babu has also stated that he has been harassing by the ASI-847 Sri A.Srinivasulu since he reported at SPF unit Tirupati on transfer. Further, he has stated that in earlier occasion Sri. P.S.Rao Addl.Commandant has threatened him that "I will see your end". He has submitted another representation on 27.10.2016 making some false and baseless allegations against Sri P.Srinivasulu Reddy, Inspector stating that he is misusing his official position and he is showing partiality among the men and threatening the SPF personnel to give statements favourable to the ASI-847 Sri A.Srinivasulu. If he was really harassed by the Inspector (Admn) Sri P.Srinivasulu Reddy or Sri A.Srinivasulu, ASI-847 he would have given representation to the unit officer against them. But he did not do so. When they given statements against him on the incident happened on 25.10.2016, he

submitted representation making false allegations against them.

After having gone through the statements of the witnesses and found he uttered harsh language and misbehaved with the ASI-847 Sri A.Srinivasulu in the presence of all the parade personnel. Later, as instructed by the Commandant, Hqrs, APSPF tirupati 1 called HC-672, Sri D.Raja Babu and asked him to apologize ASI-847 Sri A.Srinivasulu and assured him that I would stop further action on that incident. But he denied to apologize and informed me that he would face further consequences, if any.

Further, as per instructions of Commandant, Hqrs, APSPF, Tirupati vide memorandum Rc.No.48/A7/Comdt.Hqrs/APSPF/TPT/2016, Dt: 08.11.2016, the HC-672, Sri D.Raja Babu was dealt on minor PR vide PR.No.48/2016 and issued a memorandum of charge to the HC- 672 Sri D.Raja Babu calling explanation vide C.No.13/AC/SPF/ TPT/MPR/D.No.l032 /2016. Accordingly the HC-672 Sri D.Raja Babu has submitted explanation on 07.12.2016 and P.R was disposed awarding the penalty of "withholding of increment of pay for a period of one year without cumulative effect on his future increments and pension" vide proceeding C. No. 13/AC/SPF/TPT/MPR/ HC-672/2016, Dt:19.12.2016. The HC-672 Sri D.Raja Babu has acknowledged the same on 20.12.2016.

The above statement is typed to my dictation and read over to the Deponent / PW and translated in to Telugu language, which he admitted to be correct and signed.

CROSS EXAMINATION

The charged officer has declined to cross examine the PW.

6) CASE OF THE DEFENDANT:

The charged officer Sri D.Raja Babu, HC-672 has acknowledged the Memorandum of Charge on 23.03.2017. But he has not submitted written explanation/defense statement to the Memorandum of Charge. Further he has submitted a representation to the disciplinary authority i.e., DIG, APSPF requesting to supply the list of documents mentioned in the Memorandum of Charge in Telugu language or he may be granted 05 days CL. But his

representation was considered and rejected by the DIG, SPF vide Memorandum Rc.No.APSPF/A3/ PR/03/2017, Dated: 27.03.2017.

Further, during the course of Oral Enquiry he has submitted a defense statement stating that even there are some mistakes in the Memorandum of Charge, he attended to the OE and cooperated with the Enquiry Officer for conducting OE. The Inspector (Admn.) Sri P.Srinivasulu Reddy and the ASI-847 A.Srinivasulu having personal grudge against him they have attributed some allegations against him and complained to the AC, SPF, Tirupati that he attended for staff parade by 5 minutes late. Accordingly, the AC, SPF, Tirupati has dealt him on Minor PR and awarded the punishment of PPI for one year without cumulative effect. Further, after working 4 months at Tirupati he was transferred to SPF unit, Srisailam. He never performed duties at his native place i.e., Guntur District since 1993. The DG, SPF, Commandant and AC Sri M.Sankara Rao are showing discrimination and harassing him without sanctioning any leave from the last 2 months. He has submitted representations to the Chief Minister of AP and Principal Secretary to the Government, Home Department, AP Secretariat, Guntur to do justice to him. Finally, he has requested to cancel the PR/AOC issued to him.

7) ANALYSIS AND ASSESSMENT OF EVIDENCE:

I have carefully gone through the connected prosecution documents, defense statement of the charged officer submitted during the course of Oral Enquiry and the statements of the prosecution witnesses. I have analyzed the entire case as follows:-

1. Article-I The Charged Officer Sri D. Raja Babu has made allegation that the Commandant Sri B. V. Rami Reddy had committed theft of Rs. 24,48,666/- from Co-operative Society Ltd. In fact the letter R c . N o . 1 1 9 7 9 - 2 0 1 0 - P C 4 / E C C S , Dated:17.11.2012 of Commissioner and Registrar of Cooperative Societies, AP Hyderabad referred by the charged officer in his representation Sri D.Raja Babu, HC-672 categorically states that the

DLCO, Golconda Division has passed surcharged order for an amount of Rs.4,78,302/- against Sri T.Seetaramulu, Ex-Treasurer of APSPF, ECCS Ltd., Hyderabad alone u/s 79(a) and 83 if APCS Act, 1964. Hence the allegation made against Sri B.V.Rami Reddy, Commandant that he committed theft of Rs.24,48,666/- is false and baseless.

2) Article-II: The charged officer Sri D.Raja Babu, HC-672 has made allegation that the Commandant Sri B.V.Rami Reddy has suspended a person at Alipiri Check Post for taking Rs.30/- . But there is no suspension order issued to anybody for taking Rs.30/- at Alipiri Check Post On this allegation also, the charged officer has failed to submit any proof. Hence the allegation that the Commandant has suspended a person for taking Rs.30/- at Alipiri Check Post is fabricated and baseless.

3) Article-III: It is fact that the charged officer Sri D.Raja Babu, HC-672 being a senior Head Constable from SPF unit Tirupati, who was on off duty has to attend for staff parade to conduct fall-in on 25.10.2016 at 05.30 hrs., and to give report to the duty officer. But he did not attend to the staff parade in time and he attended to the parade by 5 minutes late i.e., at 05.35 hrs. Further, even though the duty officer Sri A.Srinivasulu asked him to give report on the presence of SPF personnel TTD, Tirupati several times he did not give the report in time, whereas the senior Head Constable from SPF unit, Tirumala has already given report to the duty officer on the present strength of SPF personnel, Tirumala unit. When the time is being elapsed to give report to the SI, the duty officer asked once again to the HC-672 to give report immediately. For which, the HC-672 Sri D.Raja Babu has revolted against ASI and replied aggressively stating that "**I know what I have to do. Don't talk excess. You are doing too much, be careful**". For which, the AC, SPF, Tirupati has conducted PE and taken the statements from the concerned personnel. Further, it is pertaining to mention here that the AC, SPF, Tirupati has called the HC-672 to come to his office and asked him to say apology to the ASI-847 Sri A.Srinivasulu. But he denied to say apology to the ASI. Since the HC-672 Sri D.Raja Babu has committed gross

misconduct by revolting and threatening the ASI in dire consequences, the AC, SPF, Tirupati has dealt the HC-672 on Minor PR and awarded with a penalty of “Withholding of increment of pay for a period of one year without effect on his future increments and pension” vide C .No. 13/AC/ SPF/TPT/MPR/HC -672/2016, Dated: 19.12.2016 (PR.No.48/2016). Further, it is pertaining to mentioned here that when he known that the Inspector (Admn.) Sri P.Srinivasulu Reddy and ASI-847 Sri A.Srinivasulu submitted report against him on his misbehavior to the AC, SPF, Tirupati, he submitted two representations to the AC, SPF, Tirupati on 25.10.2016 and 27.10.2016 making false and baseless allegations against the Inspector Sri P.Srinivasulu Reddy and ASI-847 Sri A.Srinivasulu stating that they are misusing their official position and showing discrimination on him. Besides this he also made allegations that when he contested in APSPF, ECCS Elections, Sri P.S.Rao, Addl. Commandant has threatened him in dire consequences that he will see his end. Hence awarding the penalty of “Withholding of increment of pay for a period of one year without effect on his future increments and pension” to the HC-672 Sri D.Raja babu intentionally by the SPF Officers is not true. The Penalty was rightly imposed by the disciplinary authority for misbehaving with a senior officer in the presence of SPF personnel.

4. Article-IV. The charged officer Sri D.Raja Babu, HC-672 has made allegation that SPF senior officers could not do anything against Sri B.V.Rami Reddy, Commandant even he committed misappropriation of Rs.24,28,666/- But it is not correct as there is no any proof and the charged officer has failed to submit any proof to establish that Sri B.V.Rami Reddy, Commandant committed misappropriation of Rs.24,28,666/. Hence the above allegation is false and baseless.

5. Regarding misappropriation in the Cooperative Society, this matter pertains to the year 2006 in which it came to light pertaining to the earlier period. As per the official records available, all the statutory authorities passed orders on several occasions that the former Treasurer Ex-HC T. Seetaramulu was alone responsible for misappropriation. Further, vide surcharge proceedings dated: 15.10.2007 the

Divisional Cooperative Officer, Golconda Division, Hyderabad, who is the statutory authority under the APCS Act 1964, has issued surcharge proceedings against Sri T. Seetaramulu, Ex-Treasurer for Rs.4,93,752/- alone. Even the Charged Officer did not cross examine the witness which speaks that the C.O had no evidence whatsoever.

6. Further, it is pertinent to mention here that in this case, vide his letter dated:28.12.2007 the Commissioner of Cooperative Societies, Hyderabad has informed the Home Secretary of Govt. of AP that Sri T.Seetaramulu is responsible for the misappropriation and prosecution orders are being sanctioned. Accordingly, the Commissioner of Societies has sanctioned prosecution against the Ex-Treasurer Sri T.Seetaramulu, on 28.12.2007 alone. Basing on the prosecution sanctioned by the RCS, Hyderabad the Divisional Cooperative Officer, Golconda has filed a complaint against Sri T.Seetaramulu on 22.02.2008 in the PS Nampally.

7. Further, the Police filed a charge sheet against Sri T.Seetaramulu, Ex-Treasurer **dropping** the names of Sri B.V.Rami Reddy, Ex-President, Sri Ch.Tirumalaiah, Ex-Vice President and Sri K.R.Reddy, Ex-Treasurer. Further, on 25.09.2012 the DLCO, Golconda Division, Hyderabad has issued a fresh surcharge proceedings on the directions of the AP Cooperative Tribunal, Hyderabad and ordered the Ex-Treasurer, Sri T.Seetaramulu to pay an amount of Rs.4,78,302/- to the SPF, ECC Society. The Commissioner of Societies, Hyderabad has informed to the DG, SPF vide letter Rc.No. 11979-2010-PC4/ECCS, Dated: 17.11.2011 that surcharge proceedings and Prosecution have been issued against Sri T.Seetaramulu alone. Hence, it is clear from the records that there is no involvement of Sri B.V.Rami Reddy, Commandant in the misappropriation of SPF, ECCS funds and question of SPF officers could not do anything to the Commandant, Sri B.V.Rami Reddy even he misappropriated Rs.24,28,666-00 of SPF, ECC Society does not arise.

8. Further it is pertinent to mention here that on 22.04.2017 during the course of oral enquiry, when I was in the office room of Asst. Commandant, SPF, TTD Tirumala, the charged officer has shown me

two pen drives in the presence of Sri M.L. Manohar, AC, SPF, TTD, Tirumala and Sri G.Muniraja, AC, SPF, Srisailam and he informed me that he captured the illegal activities of Commandant, Sri B.V. Rami Reddy and AC Sri M. Sankara Rao and copied in these two pen drives, Hence it is clearly exhibits the revolting and blackmailing nature against the senior officers.

9. Further, during the course of oral enquiry, the charged officer neither cross examined Sri B.V.Rami Reddy, Commandant nor submitted any proof in support of his allegation that Sri B.V.Rami Reddy, Commandant has misappropriated the amount of SPF, ECCS. Further, the charged officer has also not cross examined the AC Sri M.Sankara Rao on the awarding of penalty of “PPI for one year without cumulative effect” to the charged officer for misbehaving with the ASI Sri A.Srinivasulu, which indicates that the C.O had no proof in support his written allegations.

8) FINDINGS:

On the basis of the documentary and oral evidence adduced in the case before me and in view of the reasons stated above, I hold that the Charges i.e., Article -1, II, III and Article-IV leveled against the Charged Officer Sri. D.Raja Babu, HC-672 is **“PROVED”** beyond any reasonable doubt.

Certified that the procedure prescribed under the provision of Rule 20 of APKS (CC&A) Rules - 1991 has been followed strictly in conducting of Oral Enquiry.

B.Y.M. REDDY NAICK,
*Inquiring Authority
Assistant Commandant,
A.P. Special Protection Force,
SDSTPS, NELLORE.*

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